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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SHAWN KINNEY,
Plaintiff,
v.
CITY OF SANTA CLARA, a California
Municipal Corporation,
Defendant.

) No. 5:10-cv-00162 LHK
)
)
)
**) JOINT NOTICE OF TENTATIVE
SETTLEMENT AGREEMENT**
) [L.R. 16-8, ADR L.R. 6-13]
**) and ORDER CONTINUING CASE
MANAGEMENT CONFERENCE**
)
)

The parties reached a tentative settlement agreement at their previously scheduled August 26, 2010 meeting with Mediator Richard D. Warren. ~~A true and correct copy of the Settlement Agreement is attached and filed herewith.~~ The Settlement Agreement provides a maximum of seventy (70) days from August 26, 2010 for the Defendant's governing body to approve the settlement, remit payment and for Plaintiff to file a Notice of Dismissal under Rule 41. The parties therefore request the Court to vacate the Case Management Conference currently set for September 3, 2010, all discovery cutoff dates and other deadlines associated with the case. The parties further request that the Court order the parties to submit a Status Report on November 9, 2010 in the event

1 that the parties have not filed a stipulation for dismissal by that time.

2 Dated: August 30, 2010 Respectfully Submitted,

3 WEINBERG, ROGER & ROSENFELD
A Professional Corporation

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5 By: /s/ Matthew J. Gauger
6 MATTHEW J. GAUGER
7 GARY P. PROVENCHER
Attorneys for Plaintiff

8 Dated: August 30, 2010 RANKIN, LANDSNESS, LAHDE,
9 SERVERIAN & STOCK

10 By: /s/ Michael C. Serverian
11 MICHAEL C. SERVERIAN
12 Attorneys for Defendant

13 **ORDER**

14 Pursuant to the parties' notice of tentative settlement -- the settlement agreement was not
15 attached -- the Case Management Conference currently set for September 3, 2010 is vacated.
16 All discovery cutoff dates and other deadline are also vacated. A further Case Management
17 Conference is set for Wednesday, November 24, 2010 at 2 p.m. The parties shall file a
18 stipulation of dismissal and request to vacate the November 24, 2010 Case Management
Conference by November 17, 2010.

19 **IT IS SO ORDERED.**

20 Dated: August 31, 2010


21 LUCY H. KOH
22 United States District Judge

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